

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

IN RE: ETHICON, INC. PELVIC REPAIR SYSTEM PRODUCTS LIABILITY LITIGATION	Master File No. 2:12-MD-02327 MDL No. 2327
THIS DOCUMENT RELATES ONLY TO: WAVE TWO PROLIFT, PROLIFT+M AND PROSIMA CASES LISTED ON EXHIBIT A	JOSEPH R. GOODWIN U.S. DISTRICT JUDGE

**DEFENDANTS' MOTION TO EXCLUDE THE
TESTIMONY AND OPINIONS OF RUSSELL DUNN, PH.D., P.E.**

COME NOW Defendants Ethicon, Inc. and Johnson & Johnson (collectively, "Ethicon"), and, pursuant to Federal Rules of Evidence 702, 402 and 403, and *Daubert v. Merrill Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993), and its progeny, respectfully move the Court for an order excluding the expert opinions and testimony of Plaintiffs' proffered expert, Russell Dunn, Ph.D., P.E. ("Dr. Dunn").

This motion, as explained in more detail in the accompanying Memorandum of Law in Support, is based on the grounds that Dr. Dunn is not qualified to testify concerning the opinions in his report and that Dr. Dunn's opinions are unreliable, will not assist the jury, invade the province of the jury, are not relevant and/or the prejudicial effect of his opinions outweighs any probative value. This motion is supported by the Memorandum of Law in Support, Exhibits A through EE attached hereto, and all other papers on file in this action.

WHEREFORE, for the reasons set forth above and in the accompanying Memorandum of Law in Support, Ethicon respectfully requests that this Court enter an order precluding Dr. Dunn from offering any opinions or testimony at trial.

ETHICON, INC. AND
JOHNSON & JOHNSON

/s/ Christy D. Jones

Christy D. Jones
Butler Snow LLP
1020 Highland Colony Parkway
Suite 1400 (39157)
P.O. Box 6010
Ridgeland, MS 39158-6010
(601) 985-4523

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON**

IN RE: ETHICON, INC. PELVIC REPAIR SYSTEM PRODUCTS LIABILITY LITIGATION	Master File No. 2:12-MD-02327 MDL No. 2327
THIS DOCUMENT RELATES ONLY TO: WAVE TWO PROLIFT, PROLIFT+M AND PROSIMA CASES	JOSEPH R. GOODWIN U.S. DISTRICT JUDGE

CERTIFICATE OF SERVICE

I, Christy D. Jones, certify that I have this day electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the CM/ECF participants registered to receive service in this MDL.

/s/ Christy D. Jones

Christy D. Jones
Butler Snow LLP
1020 Highland Colony Parkway
Suite 1400 (39157)
P.O. Box 6010
Ridgeland, MS 39158-6010
(601) 985-4523

COUNSEL FOR DEFENDANTS ETHICON, INC.
AND JOHNSON & JOHNSON

31994963v1